

PATENT

Atty. Dkt. No. ATT/2000-0588

**REMARKS**

In view of the following discussion, the Applicants submit that none of the claims now pending in the application are unpatentable under the provisions of 35 U.S.C. § 101. Thus, the Applicants believe that all of these claims are now in allowable form.

**I. REJECTION OF CLAIMS 1-22 UNDER 35 U.S.C. § 101**

The Examiner has rejected claims 1-22 in the Office Action under 35 U.S.C. § 101 as being directed to non-statutory subject matter. In response, the Applicants herein amend independent claim 1 and traverse the rejection.

The Applicants respectfully submit that amended claim 1 now fully satisfies the requirements of § 101 as it produces a useful, concrete and tangible result (i.e. outputting said received communication after applying said adjusted adaptive codebook gain parameter and said adjusted fixed codebook gain). (See e.g., Applicants' specification, paragraphs [0032] [0033] and [0037], FIG. 1 "output data".) The outputting of a tangible signal produces a useful, concrete and tangible result.

Moreover, the Applicants respectfully submit that the rejection of claims 12-22 under 35 U.S.C. § 101 is improper. Independent claim 12 recites an apparatus claim which clearly falls under the statutory categories of 35 U.S.C. § 101. For example, it recites an apparatus for mitigating errors in frames of communication having a signal receiver and an error correction device.

In addition, the Examiner alleges that "it is not clear, [sic] what type of data is being received and how" in the Office Action. (See p. 2, l. 11.) The Applicants respectfully submit that the recitation of "received communication" satisfies the requirements of 35 U.S.C. § 101. As disclosed in Applicants' specification (e.g., Paragraph [0009]), the data stream may comprise any combination of data representing audio, video, graphics, tables and text.

Dependent claims 2-11, and 13-22 depend from claims 1 and 12 and recite additional limitation, respectively. As such, and for the exact same reason set forth above, the Applicants submit that claims 2-11, and 13-22 are also patentable under 35

PATENT

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U.S.C. § 101. Therefore, the Applicants submit that claims 1-22, as they now stand, fully satisfy the requirements of 35 U.S.C. §101 and are patentable thereunder.

### Conclusion

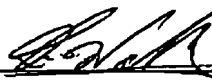
Thus, the Applicants submit that all of these claims now fully satisfy the requirements of 35 U.S.C. §101. Consequently, the Applicants believe that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring the issuance of a final action in any of the claims now pending in the application, it is requested that the Examiner telephone Mr. Kin-Wah Tong, Esq. at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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